

AGENDA - COUNCIL MEETING - WEDNESDAY - JULY 6, 2005 - 9:00 A. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS
with notes of action taken

MOTIONS 2005-0639 to 2005-0662
ORDINANCES – 2005-0870 to 2005-0888
RESOLUTION – None

2005-0638-1

DESCRIPTIONS OR CAPTIONS OF AGENDA ITEMS WILL BE READ BY THE
CITY SECRETARY PRIOR TO COMMENCEMENT

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Garcia

9:00 A. M. - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

9:30 A. M. - PUBLIC SPEAKERS - Pursuant to City Council Rule 8, City Council will hear from members of the public; the names and subject matters of persons who had requested to speak at the time of posting of this Agenda are attached; the names and subject matters of persons who subsequently request to speak may be obtained in the City Secretary's Office

MAYOR'S REPORT

Motion 2005-0639 – Accept report

REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

CONSENT AGENDA NUMBERS 1 through 31

MISCELLANEOUS - NUMBERS 1 through 5

1. Motion 2005-0640

REQUEST from Mayor for confirmation of the reappointment of the following to the **CONTRACT COMPLIANCE COMMISSION**, for terms to expire January 1, 2007:

Position One - **MR. IKE ALLEN**

Position Two - **MR. ELIAS DE LA GARZA**

2. Motion 2005-0641

REQUEST from Mayor for confirmation of the appointment of the following to the **HELICOPTER FACILITIES AND APPEALS BOARD**:

Position Six - **MS. EDNA L. RAMOS**

Position Seven - **MR. BLAKE TARTT, III**

MISCELLANEOUS - continued

3. Motion 2005-0642

REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **WESTCHASE DISTRICT BOARD OF DIRECTORS**, for terms to expire June 1, 2009:

Position One - **MR. WILLIAM W. SENGELMANN**, reappointment

Position Two - **MR. MARTIN WILTSHIRE**, reappointment

Position Three - **MS. DONNA J. FLOWERS**, reappointment

Position Four - **MR. JOHN A. HOLLAND**, reappointment

Position Five - **MR. KEITH JOSEY**, appointment

Position Six - **MR. ROBERT G. COLVILL**, reappointment

Position Seven - **MR. DOUG ELLIOTT**, reappointment

Position Eight - **MR. GARY BAKER**, appointment

4. Council Member Sekula-Gibbs tagged

RECOMMENDATION from Director Department of Public Works & Engineering to authorize payment of a penalty in the amount of \$40,348.00 stipulated by Texas Commission on Environmental Quality for violations at the 69th Street Wastewater Treatment Plant and Sludge Drying Facility and the Alameda Sims Wastewater Treatment Plant and Sludge Drying Facility Enterprise Fund

5. Motion 2005-0647

RECOMMENDATION from Director Building Services Department for approval to delegate authority to the Director Building Services Department to utilize alternative delivery method for Minor Construction, Repair, Rehabilitation, or Alteration of Facilities

ACCEPT WORK - NUMBER 6

6. Motion 2005-0648

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,672,104.09 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICES, L.P.** for Sanitary Sewer Rehabilitation by Point Repair Method, GFS R-0266-P3-3 (4235-16) - 04.42% over the original contract amount

PURCHASING AND TABULATION OF BIDS - NUMBERS 7 through 10

7. Ordinance 2005-0877

ORDINANCE appropriating \$246,402.45 out of General Improvement Consolidated Construction Fund for UPS Systems for 611 Walker and 1200 Travis for the Building Services Department, CIP D-0119 - **DISTRICT I - ALVARADO**

a. Motion 2005-0649

C. F. MCDONALD ELECTRIC, INC for UPS Systems for 611 Walker and 1200 Travis for Building Services Department - \$234,669.00 and contingencies for a total amount not to exceed \$246,402.45 - **DISTRICT I - ALVARADO**

8. Motion 2005-0643

HOME & BODY CO. dba DIRECT CHEMICALS (Bid No. 1) for Chemicals, Hydrocarbon dispersant Contract for Fire Department - \$81,295.00 - General Fund

9. Motion 2005-0650

PHILPOTT MOTORS, LTD. - \$48,085.00 and **GRANDE TRUCK CENTER** - \$47,988.00 for Wrecker Truck and Two Wrecker Bodies for Police Department - Equipment Acquisition Consolidated Fund

PURCHASING AND TABULATION OF BIDS - continued

10. Motion 2005-0644

NATIONAL WATERWORKS, INC for Fittings and Appurtenances Contract for Department of Public Works & Engineering - \$938,065.00 - Enterprise Fund

ORDINANCES - NUMBERS 11 through 31

Motion by Council Member Sekula-Gibbs to amend Item 11 as follows:

“Renumber Sections 6 and 7 as Sections 7 and 8, respectively, and add a new Section 6, as follows:

Section 6. That Chapter 4 of the Code of Ordinances, Houston, Texas is hereby amended by adding a new Section 4-19, to read as follows:

“Sec. 4-19. Disposition of certain fees.

All fees collected under Sections 4-3 and 4-16 of this Code shall be allocated to the health and human services department to fund the inspection of ambulances and permitting of ambulance operators as required by this chapter.”” – **Tagged by Council Members Sekula-Gibbs, Wiseman and Quan**

11. Council Members Sekula-Gibbs and Wiseman tagged

ORDINANCE AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to ambulance fees, drivers, inspections and penalties

12. Ordinance 2005-0870

ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of (i) a 10-foot-wide water line and water meter easement (Parcel SY3-047A) and (ii-iv) three 10-foot-wide water line easements (Parcels SY3-047B through 047D), all located within the partial replat of Tract A, Memorial City Subdivision, Section 1; vacating and abandoning said easements to Memorial City Mall, LP, the abutting owner, in consideration of its payment of \$21,954.00 and other consideration to the City - **DISTRICT G - HOLM**

13. Council Member Wiseman tagged

ORDINANCE approving and authorizing an application through the **US DEPARTMENT OF HOMELAND SECURITY** for assistance in hiring 60 additional firefighters under the Staffing for Adequate Fire and Emergency Response (SAFER) Grant; declaring the city's eligibility for such grant; authorizing the Mayor to act as the city's representative in the application process; authorizing the Chief of the Houston Fire Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program; providing a maximum matching grant fund amount

14. Ordinance 2005-0887

ORDINANCE appropriating \$500,000.00 out of the Tax Increment Reinvestment Zone (TIRZ) Affordable Housing Fund (Fund 872) and authorizing spending authority to use the TIRZ Funds to repair homes as mandated by the U. S. Department of Housing & Urban Development (HUD), through the Texas Local Government Purchasing Cooperative, for the Housing & Community Development Department - **NOTE: Ordinance authorized purchase orders to Jamail Construction on the cooperative contractor**

15. Ordinance 2005-0880

ORDINANCE approving and authorizing contract between the City of Houston and **TALENTO BILINGUE DE HOUSTON**, to provide \$170,000.00 in Community Development Block Grant Funds to fund an addition to a public facility located at 333 South Jensen - Grant Fund **DISTRICT H - GARCIA**

RESOLUTIONS AND ORDINANCES - continued

Motion 2005-0651 – Suspend rules to consider Item 16 out of order

16. Ordinance 2005-0878

ORDINANCE approving agreement with the **HOUSTON JUNIOR CHAMBER OF COMMERCE (JAYCEES)** for the Relocation and Maintenance of Steam Locomotive Engine 982 and issuing to the Jaycees a consent to encroach into a portion of the public street right of way of Avenida De Las Americas (between Texas Avenue and Capital Avenue)

17. Ordinance 2005-0879

ORDINANCE establishing a ten foot wide utility corridor under Memorial Drive within Memorial Park located in the City of Houston, Texas - **DISTRICT G - HOLM**

18. Ordinance 2005-0881

ORDINANCE altering maximum prima facie speed limits in certain school zones in the City of Houston; making various findings and containing other provisions relating to the subject; declaring certain conduct to be unlawful and providing a penalty; providing for severability; containing a repealer; containing a savings clause

19. Ordinance 2005-0882

ORDINANCE approving and authorizing lease agreement between the City of Houston and **ATLANTIC AVIATION CORPORATION** for certain premises at William P. Hobby Airport **DISTRICT I - ALVARADO**

20. Ordinance 2005-0871

ORDINANCE appropriating \$250,000.00 out of Airports Improvement Fund, and approving and authorizing amendment No. 1 to construction contract between the City of Houston and **W.W. WEBBER, INC** for SMGCS / Civil Site Work for the Instrument Landing Systems Category III for Runway 4-22, Project No. 566B, CIP A-0385, and Airfield Pavement Rehabilitation Project No. 566, CIP A-0385, at William P. Hobby Airport - **DISTRICT I - ALVARADO**

Motion 2005-0652 – Suspend rules to remain in session beyond the scheduled noon recess until 1 pm

21. Council Member Wiseman tagged

ORDINANCE appropriating \$550,000.00 out of Houston Airport System Consolidated 2001 AMT Construction Fund, and approving and authorizing amendment No. 1 to Construction Contract between the City of Houston and **VANDERLANDE INDUSTRIES, INC** for Terminal E/FIS EDS Interim In-Line Baggage Conveying Equipment at George Bush Intercontinental Airport/Houston; Project 612C, CIP A-0486 & A-0422 - **DISTRICT B - GALLOWAY**

22. Council Members Wiseman and Quan tagged

ORDINANCE approving and authorizing contract between the City of Houston and **BOOTH RESEARCH GROUP, INC** for Professional Services in connection with Developing and Delivering a Written Test and Assessment Center Process for promotion to the rank of Police Sergeant in the Houston Police Department - \$163,900.00 - General Fund

RESOLUTIONS AND ORDINANCES - continued

23. Ordinance 2005-0883

ORDINANCE approving and authorizing amendment to sponsorship agreement approved by Ordinance No. 05-0125 with **CITY PARK HOMEOWNERS ASSOCIATION, INC** for Solid Waste Collection Services - 1 Year - \$72.00 - **DISTRICT D - EDWARDS**

24. Ordinance 2005-0884

ORDINANCE appropriating \$236,025.00 out of Police Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **J. F. THOMPSON, INC** for Replacement of HVAC System, Police Communications Building, GFS G-0109-01-2; providing funding for contingencies relating to construction of facilities financed by the Police Consolidated Construction Fund - **DISTRICT H - GARCIA**

25. Ordinance 2005-0872

ORDINANCE appropriating \$736,038.35 out of Parks Consolidated Construction Fund, awarding construction contract to **TIMES CONSTRUCTION, INC** for Construction of Fonde Park and Nellie Keyes Park, GFS F-504C-18-3 and F504C-22-3; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; providing funding for engineering and testing services, construction management and contingencies relating to the construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICTS G - HOLM and I - ALVARADO**

26. Ordinance 2005-0873

ORDINANCE appropriating \$402,530.00 out of General Improvements Consolidated Construction Fund, awarding construction contract to **CARRERA CONSTRUCTION, INC** for Construction of Law Park, GFS F-504C-27-3; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; providing funding for engineering testing services, construction management and contingencies relating to the construction of facilities financed by General Improvements Consolidated Construction Fund **DISTRICT E - WISEMAN**

27. Ordinance 2005-0874

ORDINANCE approving an extension of time for Contract No. 55650 between the City of Houston and the **LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD.** for Construction of Water, Sanitary Sewer and Storm Water Lines for Section Two of the San Pablo Subdivision **DISTRICT D - EDWARDS**

28. Ordinance 2005-0875

ORDINANCE approving an extension of time for Contract No. 55651 between the City of Houston and the **LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD.** for Construction of Water, Sanitary Sewer and Storm Water Lines for Section Three of the San Pablo Subdivision **DISTRICT D - EDWARDS**

29. Ordinance 2005-0876

ORDINANCE appropriating \$12,448.43 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **NEW VINTAGE HOMES, INC** for Construction of Water Line to serve Development on Legion Street, CIP S-0802-30-03 - **DISTRICT B - GALLOWAY**

RESOLUTIONS AND ORDINANCES - continued

30. Ordinance 2005-0885 – Passed first reading

ORDINANCE granting to **O. P. ENTERPRISE WASTE SERVICES, INC, a Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions

FIRST READING

31. Ordinance 2005-0886 – Passed first reading

ORDINANCE granting to **REPUBLIC WASTE SERVICES, L.P., a Texas limited partnership**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions

FIRST READING

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 32

PROPERTY

32. Motion 2005-0661

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Doug O. Williams of Doug O. Williams Consulting, on behalf of South Main Baptist Church (Tom Williams, church administrator), for abandonment and sale of: (a) 15-foot-wide alley, between Isabella Avenue and Truxillo Avenue; (b) Travis Street, from Branard Street/Isabella Avenue to Truxillo Avenue; (c) Brandt Street, from Richmond Avenue to Colquitt Street; (d) Bute Street, from Richmond Avenue to the Southwest Freeway, (e) Colquitt Street, from S. Main Street to the Southwest Freeway; and (f) Brandt Street, from Colquitt Street to the Southwest Freeway, in exchange for the conveyance to the City of storm sewer and/or drainage easements, all located within the Kirby Main Street Addition and/or the Bute Addition, Parcels SY5-052A through F and LY5-006 – **(Samuel Stewart and John Chambliss, appointed appraisers and George Coleman, Jr. appointed alternate appraiser) - TWO APPRAISERS and one ALTERNATE APPRAISER - DISTRICT D - EDWARDS**

MATTERS HELD - NUMBERS 33 through 36

Motion 2005-0653 – Suspend rules to consider Items 33, 33a, 33b, 33c, 33d, 33e and 17 out of order

33. Motion 2005-0654 – Adopt as amended

WRITTEN Motion by Council Member Goldberg to amend Item 33E below as follows:

That CIP N-0622 (Project: Buffalo Speedway Paving) ~~be moved up to FY 06 and that the scope of work be changed to read that Buffalo Speedway paving begin at W. Belfort and extend to Willowbend Blvd. and include the extension of Willowbend Blvd. from Buffalo Speedway to South Main. That Buffalo Speedway construction paving from Willowbend to Holmes Road be deleted. Attached is an outline for funding sources at this time.~~ (Outline on file in the Office of the City Secretary)

TAGGED BY COUNCIL MEMBER GOLDBERG

a. Motion 2005-0655 – Tabled

WRITTEN Motion by Council Member Wiseman to amend Item 33E below as follows:

Amend the Fiscal Year 2006-2010 Capital Improvement Plan Project N-0574 Monroe Paving: Alameda Genoa to Fuqua to reflect the adopted Fiscal Year 2005-2009 Capital Improvement Plan funding schedule.

TAGGED BY COUNCIL MEMBER WISEMAN

b. Motion 2005-0656 – Tabled

WRITTEN Motion by Council Member Garcia to amend Item 33E below as follows:

Motion #1

Motion to add a 3,000 sq. foot community room at the Moody Park Recreation Center.

Fiscal Note: \$450,000 -to be put in FY09 Parks Undetermined funding

TAGGED BY COUNCIL MEMBER GARCIA

c. Motion 2005-0657 – Tabled

WRITTEN Motion by Council Member Garcia to amend Item 33E below as follows:

Motion #2

Motion to add North Lindale Subdivision street reconstruction, consisting of 41,370 feet of streets to have new pavement, storm sewer, water and waste water, and sidewalks.

Fiscal Note: \$20,612,439

TAGGED BY COUNCIL MEMBER GARCIA

d. Motion 2005-0658 – Tabled to refer to committee

WRITTEN Motion by Council Member Sekula-Gibbs to amend Item 33E below as follows:

The City of Houston shall adopt a policy to put all our efforts into maintaining our existing buildings and to provide the funding necessary to bring the structures to their highest standards before constructing new buildings unless a clear need is demonstrated.

TAGGED BY COUNCIL MEMBER SEKULA-GIBBS

e. Motion 2005-0659 – Adopt as amended by Motion 2005-0654

MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation for adoption of **CAPITAL IMPROVEMENT PLAN** for Fiscal Years 2006 through 2010 - **TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS and WISEMAN**

This was Item 3 on Agenda of June 29, 2005

MATTERS HELD - continued

Motion 2005-0645 – Suspend rules to consider Item 34 out of order

34. Motion 2005-0646

MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director Department of Planning & Development to amend the parking regulations for the south side of the 5700 block of Logan in the Super Neighborhood of Washington Avenue/Memorial Park - **DISTRICTS C - GOLDBERG and G - HOLM**

TAGGED BY COUNCIL MEMBER ELLIS

This was Item 6 on Agenda of June 29, 2005

35. Motion 2005-0662

MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration Department to award to **DON MCGILL TOYOTA** for Automotive, Toyota (OEM) Car/Light Truck Replacement Parts and Service for Various Departments - \$816,000.00 - General and Fleet Management Funds

TAGGED BY COUNCIL MEMBER GOLDBERG

This was Item 13 on Agenda of June 29, 2005

Motion 2005-0660 – Suspend rules to remain in session beyond the scheduled 1 pm recess

36. Ordinance 2005-0888

ORDINANCE appropriating \$494,250.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **BARNHART ENGINEERING** for Design of Two Bike/Pedestrian Bridges Across Brays Bayou; GFS N-0420-07-2 (SB9211); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund

DISTRICT D - EDWARDS - **TAGGED BY COUNCIL MEMBER LAWRENCE**

This was Item 47 on Agenda of June 29, 2005

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Berry first

ALL ORDINANCES ARE TO BE CONSIDERED ON AN EMERGENCY BASIS AND TO BE PASSED ON ONE READING UNLESS OTHERWISE NOTED, ARTICLE VII, SECTION 7, CITY CHARTER

NOTE - WHENEVER ANY AGENDA ITEM, WHETHER OR NOT ON THE CONSENT AGENDA, IS NOT READY FOR COUNCIL ACTION AT THE TIME IT IS REACHED ON THE AGENDA, THAT ITEM SHALL BE PLACED AT THE END OF THE AGENDA FOR ACTION BY COUNCIL WHEN ALL OTHER AGENDA ITEMS HAVE BEEN CONSIDERED

CITY COUNCIL RESERVES THE RIGHT TO TAKE UP AGENDA ITEMS OUT OF THE ORDER IN WHICH THEY ARE POSTED IN THIS AGENDA. ALSO, AN ITEM THAT HAS BEEN TAGGED UNDER CITY COUNCIL RULE 4 (HOUSTON CITY CODE §2-2) OR DELAYED TO ANOTHER DAY MAY BE NEVERTHELESS CONSIDERED LATER AT THE SAME CITY COUNCIL MEETING

7/6/2005 – All Present